

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH PEPITONE, : 6:21 Civ. 00781 (LEK) (ATB)  
:   
Plaintiff, : DECLARATION OF MICHAEL F.  
: BUCHANAN IN SUPPORT OF  
- against - : DEFENDANT NATIONAL  
: BASEBALL HALL OF FAME AND  
NATIONAL BASEBALL HALL OF FAME : MUSEUM, INC.'S MOTION TO  
AND MUSEUM, INC., : DISMISS THE COMPLAINT WITH  
: PREJUDICE  
Defendant. :  
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MICHAEL F. BUCHANAN, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an attorney duly admitted to practice before this Court and partner at the law firm of Patterson Belknap Webb & Tyler LLP, attorneys for Defendant National Baseball Hall of Fame and Museum, Inc. (the “Baseball Hall of Fame”). I am familiar with the facts of this action and respectfully submit this Declaration in support of the Baseball Hall of Fame’s Motion to Dismiss the Complaint.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an October 25, 1959 agreement between Hillerich & Bradsby Co. and Joseph Pepitone, which is referenced in Paragraphs 21-24 of the Complaint in the above-captioned action.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the bankruptcy petition filed by Joseph Pepitone in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Apr. 22, 2010), ECF No. 1.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Statement Pursuant to Local Rule 2017 filed by Joseph Pepitone’s lawyer, Robert L. Pryor, in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Apr. 22, 2010), ECF No. 2.

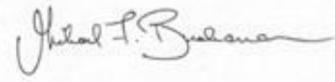
5. Attached hereto as **Exhibit 4** is a true and correct copy of the Order discharging Joseph Pepitone from bankruptcy filed in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Aug. 12, 2010), ECF No. 20.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Order of Discharge and Notice to Creditors filed in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. Aug. 14, 2010), ECF No. 21.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the bankruptcy docket in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y., filed Apr. 22, 2010).

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Final Decree closing Joseph Pepitone's bankruptcy proceeding filed in *In re Pepitone*, Ch. 7 Case No. 8-10-72883-DTE (Bankr. E.D.N.Y. July 18, 2011), ECF No. 22.

Dated: New York, New York  
August 20, 2021

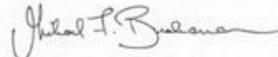


Michael F. Buchanan (Bar Roll #702975)

**CERTIFICATE OF SERVICE**

I, Michael F. Buchanan, hereby certify, pursuant to 28 U.S.C. § 1746, that on August 20, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

Dated: August 20, 2021  
New York, New York

By:   
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Michael F. Buchanan (Bar Roll #702975)